

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM D. TURNER,

Plaintiff,

vs.

FILED ELECTRONICALLY

CIV. ACTION NO. 4:18-cv-00361

JOHN E. WETZEL, SECRETARY OF
CORRECTIONS; CORRECTION
CARE SOLUTION, CARL KELDIE,
JOSEP SILVA (DEPARTMENT OF
CORRECTIONS HEALTH CARE
SERVICE DIRECTOR), DR. PAUL
NOAL, DR. JAY COWAN, THE
DOC'S HEPATITIS C COMMITTEE,
SCI FRACKVILLE'S MA KUREN,
VISOR MS. KURAS, CHDA MS.
HOLLY and SHARON SELBI; RN any
and all individuals or entities
responsible for my HEALTH CARE
and/or DOC MEDICAL POLICIES,

Defendants.

MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Now come the Defendants, Correct Care Solutions (improperly identified as Correction Care Solutions), Dr. Carl Keldie and Dr. Jay Cowan, by and through their counsel, Weber Gallagher Simpson Stapleton Fires & Newby LLP, who hereby file this Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint and state as follows:

1. On January 19, 2018 *pro se* Plaintiff, William D. Turner, initiated this action by filing a Complaint against multiple Defendants, in the Court of Common Pleas of Schuylkill County. Plaintiff's Complaint asserts a claim sounding in 42 U.S.C. §1983 for the purported deliberate indifference to a serious medical need by the Defendants. Moving Defendants thereafter removed the action to the Middle District of Pennsylvania, United States District Court.

2. Plaintiff's allegations against Correct Care Solutions, Dr. Carl Keldie and Dr. Jay Cowan are related to the medical care and treatment of Plaintiff and, specifically, disagreement with decisions made regarding his Hepatitis C treatment.

3. Plaintiff alleges in his Complaint that he has used the prison grievance system to try to solve the problem. (¶ 14-16).

4. Counsel has served subpoenas to obtain Plaintiff's grievance files in order to determine whether Plaintiff has exhausted his administrative remedies. Moving Defendants are not yet in possession of Plaintiff's grievance records.

5. In addition, because Plaintiff is a prisoner of the Pennsylvania Department of Corrections, the records of his medical treatment are owned, possessed, and controlled by the DOC and not by Moving Defendants. In order for Defendants' counsel to have access to the medical records, these, too, must be obtained from the PA DOC by subpoena.

6. Moving Defendants became aware of the Complaint on or around February 9, 2018. However, service has not been formally accomplished on Defendants. Notwithstanding, Moving Defendants do not intend to contest service, and will hereby accept service.

7. Defendants file the instant motion to set a firm date by which they must respond to the Complaint, in the absence of service or Waiver of Service forms.

8. Accordingly, Correct Care Solutions, Dr. Carl Keldie and Dr. Jay Cowan request an extension of sixty (60) days before they are required to answer or otherwise plead in response to Plaintiff's Complaint.

9. Per Local Rule 7.5, Defendants do not intend to file a Brief in support of this Motion but will do so should the Court deem one desirable.

WHEREFORE, Defendants, Correct Care Solutions, Dr. Carl Keldie and Dr. Jay Cowan, request the Court grant them an extension of sixty (60) days from the date of within which to respond to Plaintiff's Complaint in this matter.

Respectfully submitted,

WEBER GALLAGHER SIMPSON STAPLETON
FIRES & NEWBY LLP

BY: /s/ Samuel H. Foreman
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CERTIFICATE OF SERVICE

I, Samuel H. Foreman, Esquire, hereby certify that on this date a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT** was sent by first class United States mail, postage prepaid, to the following:

William D. Turner, AM5992
SCI-Frackville
1111 Altamont Blvd
Frackville, PA 17932

Daniel J. Gallagher
Deputy Attorney General
Office of the Attorney General
Civil Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120

/S/ Samuel H. Foreman
Samuel H. Foreman, Esquire

Dated: 02/14/2018